

Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 202: AFFORDABLE HOUSING PARTNERSHIP

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Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 202: AFFORDABLE HOUSING PARTNERSHIP

§5001. TITLE

This chapter shall be known and may be cited as the "Affordable Housing Partnership Act of 1989."
[1989, c. 601, Pt. B, §4 (NEW).]

SECTION HISTORY

1989, c. 601, §B4 (NEW).

Subchapter 1: ADMINISTRATION AND IMPLEMENTATION

§5002. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 601, Pt. B, §4 (NEW).]

1. Advisory committee.

[1993, c. 359, Pt. B, §3 (RP) .]

2. Affordable housing. "Affordable housing" means decent, safe and sanitary dwellings, apartments or other living accommodations for low-income and moderate-income households. The Maine State Housing Authority may define "affordable housing" by rule. Affordable housing includes, but is not limited to:

A. Government-assisted housing; [1989, c. 601, Pt. B, §4 (NEW).]

B. Housing for low-income and moderate-income families; [1989, c. 601, Pt. B, §4 (NEW).]

C. Manufactured housing; [1989, c. 601, Pt. B, §4 (NEW).]

D. Multifamily housing; and [1989, c. 601, Pt. B, §4 (NEW).]

E. Group and foster care facilities. [1989, c. 601, Pt. B, §4 (NEW).]

[1991, c. 610, §4 (AMD) .]

3. Authority or state authority. "Authority" or "state authority" means the Maine State Housing Authority.

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Commissioner.

[1991, c. 610, §5 (RP) .]

4-A. Council. "Council" means the Statewide Homeless Council.

[2005, c. 380, Pt. B, §4 (NEW) .]

5. Department.

[1991, c. 610, §5 (RP) .]

6. Homeless. "Homeless" means:

A. A person or family that lacks, or is in imminent danger of losing legal access to, a fixed, regular and adequate nighttime residence; or [1989, c. 601, Pt. B, §4 (NEW).]

B. A person or family that has a primary nighttime residence that is:

- (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, welfare hotels, congregate shelters and transitional housing for persons with mental illness or substance abuse problems;
- (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
- (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. [1989, c. 601, Pt. B, §4 (NEW).]

[1989, c. 601, Pt. B, §4 (NEW) .]

7. Homestead land trust. "Homestead land trust" means a nonprofit housing corporation that is organized to hold in trust land and interests in land for affordable housing and leases land or interests in land to lower income households for affordable housing.

[1989, c. 601, Pt. B, §4 (NEW) .]

8. Housing alliance or alliance.

[1991, c. 610, §6 (RP) .]

9. Interagency task force.

[2005, c. 380, Pt. B, §5 (RP) .]

10. Land trust. "Land trust" means land or interests in land, the title of which is held by a nonprofit housing corporation or a municipality to provide affordable housing for Maine citizens.

[1989, c. 601, Pt. B, §4 (NEW) .]

11. Lower income households. "Lower income households" means low-income and very low-income households as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

[1989, c. 601, Pt. B, §4 (NEW) .]

12. Moderate income households. "Moderate income households" means households in which gross income does not exceed 150% of the median income of the county or metropolitan statistical area in which the household is located.

[1989, c. 601, Pt. B, §4 (NEW) .]

13. Nonprofit housing corporation. "Nonprofit housing corporation" means a nonprofit corporation organized in this State under Title 13-B which qualifies for this tax exemption under the United States Code, Title 26, Section 501(c). In addition, for the purposes of this chapter, the nonprofit corporation must have as one of its purposes the construction, rehabilitation, ownership or operation of housing.

[1989, c. 601, Pt. B, §4 (NEW) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1989, c. 875, §§M11,13 (AMD). 1991, c. 610, §§3-6 (AMD). 1993, c. 359, §B3 (AMD). 2005, c. 380, §§B4,5 (AMD).

§5003. FINDINGS AND PURPOSE

There is a substantial deficiency of decent, sanitary and safe housing available at affordable costs to lower income and moderate-income households in Maine which has a detrimental impact upon the State and all Maine citizens. As a result of significant increases in land costs, the substantial reduction in the role of the Federal Government in housing and a significant increase in the working poor population of Maine, the lack of affordable housing for lower income and moderate-income households threatens the health, safety and welfare of Maine citizens. [1989, c. 601, Pt. B, §4 (NEW).]

Affordable housing solutions are possible when there is concerted action among state agencies which is coordinated with local and federal resources. Municipalities, which may make a positive or a negative impact on the cost and production of housing through local policies and regulations, need to be included in the solutions to the affordable housing crisis. [1989, c. 601, Pt. B, §4 (NEW).]

Nonprofit housing developers are a key resource in meeting affordable housing production needs. Homestead land trusts are a key resource in keeping land affordable and available for affordable housing. [1989, c. 601, Pt. B, §4 (NEW).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §7 (AMD).

§5004. ADMINISTRATION AND IMPLEMENTATION

(REPEALED)

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §8 (RP).

§5005. REPORT TO THE GOVERNOR AND LEGISLATURE

(REPEALED)

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §8 (RP).

§5006. COORDINATION AND COOPERATION

All state agencies and independent state agencies shall cooperate with the authority with respect to the implementation of this chapter. Whenever possible, all state agencies and independent state agencies shall coordinate their resources and activities with those of the state authority to address the affordable housing crisis. [1991, c. 610, §9 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §9 (AMD).

Subchapter 2: ASSISTANCE TO MUNICIPALITIES

§5011. ADMINISTRATION AND IMPLEMENTATION

The state authority is responsible for providing assistance to municipalities in implementing this subchapter. [1991, c. 610, §9 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §9 (AMD).

§5012. POWERS

The state authority may: [1991, c. 610, §10 (AMD).]

1. Award grants and loans. Award grants and loans to municipalities for the development of affordable housing;

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Approve or disapprove funding requests. Approve or disapprove any request for funding under this subchapter and subchapter IV;

[1989, c. 601, Pt. B, §4 (NEW) .]

3. Amend or alter proposal. Amend or alter a proposal for funding under this subchapter to make the project consistent with this chapter;

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Investigate projects. Investigate projects, including books and records, to determine whether the municipality or the project is complying with this chapter; and

[1989, c. 601, Pt. B, §4 (NEW) .]

5. Seek legal remedies. Seek all legal remedies available to enforce the contract with a municipality. The state authority may seek an injunction for any act or failure to act that violates this chapter or a contract entered into under this chapter.

[1991, c. 610, §11 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §§10,11 (AMD).

§5013. DUTIES

In implementing this subchapter, the state authority shall: [1991, c. 610, §12 (AMD).]

1. Adopt rules. Adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 specifying, at a minimum, how money and other resources provided to municipalities may be used;

[1991, c. 610, §13 (AMD) .]

2. Prepare guidelines. Prepare guidelines for determining the eligibility of projects proposed by municipalities for funding under this subchapter and subchapter IV;

[1989, c. 601, Pt. B, §4 (NEW) .]

3. Review proposals. Review proposals of municipalities for funding under this subchapter and subchapter IV;

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Require municipal strategy. Require the municipality to develop a strategy or plan designed to use other resources available in the municipality, including private sector resources;

[1989, c. 601, Pt. B, §4 (NEW) .]

5. Require formation of local housing alliances. Require municipalities to create municipal housing alliances to implement affordable housing programs;

[1989, c. 601, Pt. B, §4 (NEW) .]

6. Identify resources and gaps in delivery services. Identify resources and gaps in delivery services with respect to Maine's homeless;

[1989, c. 601, Pt. B, §4 (NEW) .]

7. Provide technical assistance. Within the resources of the state authority, provide technical assistance and information to municipalities with respect to the development of affordable housing;

[1991, c. 610, §13 (AMD) .]

8. Coordinate housing activities with comprehensive land use planning. Coordinate municipal housing proposals under this subchapter with comprehensive land use planning provisions of chapter 187;

[1989, c. 601, Pt. B, §4 (NEW) .]

9. Require matching resources. Require municipalities to provide matching resources that the state authority finds feasible; and

[1991, c. 610, §13 (AMD) .]

10. Strive to create integrated neighborhoods. Strive to create integrated neighborhoods comprised of persons with different levels of income.

[1989, c. 601, Pt. B, §4 (NEW) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §§12,13 (AMD).

§5014. NONLAPSING REVOLVING LOAN FUND

In providing loans under this subchapter, the state authority shall establish a nonlapsing revolving loan fund to which payment of principal and interest and any other money available to the fund must be deposited. [1991, c. 610, §14 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §14 (AMD).

Subchapter 3: NONPROFIT HOUSING CORPORATIONS AND AFFORDABLE HOUSING

§5021. PROGRAM ADMINISTRATION

The authority shall administer a program to be implemented through nonprofit housing corporations to develop affordable housing. [1991, c. 610, §15 (AMD).]

The affordable housing program under this subchapter is established to provide affordable rental and purchased housing to lower and moderate-income households, to provide transitional housing for homeless people and persons with special needs, to provide shelters for the homeless and to provide homestead land trusts for lower income households. [1989, c. 601, Pt. B, §4 (NEW).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §15 (AMD).

§5022. OFFICE OF NONPROFIT HOUSING

The state authority shall establish the Office of Nonprofit Housing within the authority. The executive director shall appoint a director and provide staff for the office. [1989, c. 601, Pt. B, §4 (NEW).]

The office shall monitor and assist nonprofit housing corporations under this subchapter and any other programs involving nonprofit corporations under the state authority. The office shall oversee the activities of the nonprofit housing corporations as provided in this subchapter. [1989, c. 601, Pt. B, §4 (NEW).]

SECTION HISTORY

1989, c. 601, §B4 (NEW).

§5023. POWERS

In developing and implementing this program, the state authority may: [1989, c. 601, Pt. B, §4 (NEW).]

1. Propose projects for funding. Propose to nonprofit housing corporations projects for funding which the authority has determined effectively address the affordable housing problems in the area served by the corporation;

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Provide planning assistance. Assist nonprofit housing corporations in planning projects and developing proposals to meet the affordable housing needs of the areas served by these corporations. In assisting these corporations, the authority shall:

A. Seek to leverage funds from various sources in the public and private sectors, including in-kind assistance which may be matched with funds provided by the authority to these corporations; and [1989, c. 601, Pt. B, §4 (NEW).]

B. Seek to coordinate assistance provided by the authority with assistance that may be available from other public and private sector agencies and organizations; [1989, c. 601, Pt. B, §4 (NEW).]

[1989, c. 601, Pt. B, §4 (NEW) .]

3. Prepare training and education programs. Prepare training and education programs, including workshops, for nonprofit community development corporations with respect to affordable housing;

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Use applicable funds. Use any applicable funds available to the authority to finance programs;

[1989, c. 601, Pt. B, §4 (NEW) .]

5. Provide for funding of nonprofit corporations. Provide for the funding of nonprofit housing corporations to develop rental and purchased housing for the homeless and for lower and moderate-income households.

Funds provided to nonprofit housing corporations may be used for, but are not limited to:

- A. Administrative and development costs, including consultants' fees, overhead and other similar costs associated with the development, construction, acquisition, or ownership of affordable housing under section 4852, subsection 2; [1989, c. 601, Pt. B, §4 (NEW).]
- B. Purchase of land and buildings; [1989, c. 601, Pt. B, §4 (NEW).]
- C. Construction, reconstruction, rehabilitation or renovation of facilities; [1989, c. 601, Pt. B, §4 (NEW).]
- D. Purchase of equipment and supplies; [1989, c. 601, Pt. B, §4 (NEW).]
- E. Rental subsidies; [1989, c. 601, Pt. B, §4 (NEW).]
- F. The development, operation and maintenance of shelters for the homeless; [1989, c. 601, Pt. B, §4 (NEW).]
- G. The development, operation and maintenance of transitional housing for the homeless and for persons with special needs; [1989, c. 601, Pt. B, §4 (NEW).]
- H. Payment of service fees of professionals such as attorneys, geologists, architects, engineers and others for agreements and professional services necessary to develop affordable housing; and [1989, c. 601, Pt. B, §4 (NEW).]
- I. Other uses considered necessary to carry out the purposes of this chapter; [1989, c. 601, Pt. B, §4 (NEW).]

[1989, c. 601, Pt. B, §4 (NEW) .]

6. Approve and disapprove funding requests. Approve or disapprove any application or request for funding under this subchapter;

[1989, c. 601, Pt. B, §4 (NEW) .]

7. Amend or alter proposals. Amend or alter a proposal for funding under this subchapter to make the project consistent with this chapter;

[1989, c. 601, Pt. B, §4 (NEW) .]

8. Investigate projects. Investigate projects, including books and records, to determine whether the nonprofit corporation or the project is complying with this chapter;

[1989, c. 601, Pt. B, §4 (NEW) .]

9. Seek legal remedies. Seek all legal remedies available to enforce a contract with a nonprofit housing corporation; and

[1989, c. 601, Pt. B, §4 (NEW) .]

10. Consult with council. Consult with the council with respect to the implementation of this subchapter and the projects to be funded under this subchapter.

[2005, c. 380, Pt. B, §6 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §16 (AMD). 2005, c. 380, §B6 (AMD).

§5024. DUTIES

In providing money and other resources to nonprofit housing corporations, the state authority shall:
[1989, c. 601, Pt. B, §4 (NEW).]

1. Identify locations of corporations. Identify the locations of nonprofit housing corporations in this State and the areas and populations served by these corporations;

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Prepare guidelines. Prepare guidelines for determining the eligibility of projects proposed by nonprofit housing corporations for funding;

[1989, c. 601, Pt. B, §4 (NEW) .]

3. Review proposals. Review proposals of nonprofit housing corporations under this chapter; and

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Adopt rules. Adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 to implement this subchapter. At a minimum, the rules shall specify how money and other resources provided to nonprofit housing corporations may be used.

[1989, c. 601, Pt. B, §4 (NEW) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW).

§5025. ELIGIBILITY REQUIREMENTS

To be eligible to use money made available by the state authority to a nonprofit corporation for the purpose of this chapter, a nonprofit housing corporation must: [1989, c. 601, Pt. B, §4 (NEW).]

1. Develop a plan. Develop a plan with long-term and short-term goals for developing and providing low-income housing in the region that the nonprofit corporation serves;

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Inventory programs and resources. Inventory housing programs and agencies in the area served by the nonprofit corporation, including resources for the homeless;

[1989, c. 601, Pt. B, §4 (NEW) .]

3. Prepare plan of coordination. Prepare for each project funding request a plan for the coordination of housing programs, services and resources in the area served by the nonprofit corporation for that specific project;

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Prepare information. Prepare information for each project funding request as requested by the authority. At a minimum, a nonprofit housing corporation, before receiving any money to develop affordable housing, shall provide the authority with the following:

- A. The number and development costs of units to be developed; [1989, c. 601, Pt. B, §4 (NEW).]
- B. The cost of each unit to the buyer or renter; [1989, c. 601, Pt. B, §4 (NEW).]
- C. The size of each housing unit; [1989, c. 601, Pt. B, §4 (NEW).]
- D. The availability and cost of existing housing in the area; and [1989, c. 601, Pt. B, §4 (NEW).]
- E. Household income in the area served by the proposed project; [1989, c. 601, Pt. B, §4 (NEW).]

[1989, c. 601, Pt. B, §4 (NEW) .]

5. Report to the authority. Report annually to the authority with respect to the activities, accomplishments and problems of each corporation. A nonprofit housing corporation shall also provide a copy of its annual report to the authority;

[1989, c. 601, Pt. B, §4 (NEW) .]

6. Comply with rules of the authority. Comply with the rules of the authority with respect to the use of any money provided by the authority to nonprofit housing corporations with respect to record-keeping and accounting, reporting, reserve fund and other requirements that the authority considers necessary;

[1989, c. 601, Pt. B, §4 (NEW) .]

7. Publish annual report. Publish a detailed annual report of its activities including income and expenditures for the most recent fiscal year completed. The annual report is a public record; and

[1989, c. 601, Pt. B, §4 (NEW) .]

8. Contract for independent annual audit. Contract for an independent annual audit of its books and records as required by the authority.

[1989, c. 601, Pt. B, §4 (NEW) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW).

Subchapter 4: LAND ACQUISITION PROGRAM

§5031. ADMINISTRATION AND IMPLEMENTATION

The state authority may provide money and other resources to municipalities and nonprofit housing corporations to acquire or preserve land for affordable housing. [1991, c. 610, §17 (AMD).]

1. Consultation. The state authority shall consult with the council with respect to the implementation of this subchapter.

[2005, c. 380, Pt. B, §7 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §17 (AMD). 2005, c. 380, §B7 (AMD).

§5032. USE OF MONEY

Money provided to municipalities under this subchapter must be in the form of low-interest loans. Money provided to nonprofit housing corporations may be in the form of grants, low-interest loans or no-interest loans. Funds available under this subchapter must be used to acquire or preserve land for affordable housing for the homeless and lower-income and moderate-income households including mortgageable predevelopment costs. Funds may be used to make minor capital improvements to land acquired under this chapter to facilitate its use for housing. [1991, c. 574, §4 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 574, §4 (AMD).

§5033. AWARDS OF GRANTS AND LOANS

1. Criteria. In providing grants, loans and other resources to municipalities and nonprofit housing corporations under this section, the state authority shall develop criteria for the award of grants, loans and other resources. In developing the criteria, the authority shall consider:

- A. The extent of the affordable housing crisis in the municipality or area in which land will be acquired or preserved for affordable housing; [1989, c. 601, Pt. B, §4 (NEW).]
- B. The degree of impact that the grant or loan will have on the affordable housing problem; [1989, c. 601, Pt. B, §4 (NEW).]
- C. The size of the lower income population in the area to be served; [1989, c. 601, Pt. B, §4 (NEW).]
- D. The demonstrated interest and the ability of the municipality or nonprofit housing corporation to address the affordable housing crisis; [1989, c. 601, Pt. B, §4 (NEW).]
- E. The degree to which the grant or loan will serve very low-income households; [1989, c. 601, Pt. B, §4 (NEW).]
- F. The degree to which the grant or loan will increase the economic activity of the eventual residents of the housing; [1989, c. 601, Pt. B, §4 (NEW).]
- G. The degree to which the nonprofit housing corporation provides for significant representation on its board of directors for both residents and community residents; [1989, c. 601, Pt. B, §4 (NEW).]
- H. The degree to which the project will have significant self-help or volunteer labor in the development of the housing; [1989, c. 601, Pt. B, §4 (NEW).]
- I. The degree to which the grants and loans will assure the long-term affordability of the housing by use of the homestead land trust or other techniques; and [1989, c. 601, Pt. B, §4 (NEW).]
- J. Any other criteria that the authority considers necessary. [1991, c. 824, Pt. A, §62 (AMD).]

[1991, c. 824, Pt. A, §62 (AMD) .]

2. Selection process. The state authority shall select the municipalities to receive grants or loans from the Municipal Land Acquisition Revolving Fund and shall select the nonprofit housing corporations to receive funds from the Maine Affordable Housing Land Trust Fund.

[1991, c. 610, §17 (AMD) .]

3. Priorities. In selecting municipalities and nonprofit housing corporations to receive funds under this section, the selections must be based on priorities developed by the state authority. In developing these priorities, the authority shall consider:

- A. The degree of activity of housing alliances in each municipality or region in addressing the affordable housing crisis; [1989, c. 601, Pt. B, §4 (NEW).]
- B. The availability of other resources in the municipality or region that can be coordinated with funds and resources provided by the state authority; and [1991, c. 610, §17 (AMD).]
- C. Any other priorities considered important by the state authority. [1991, c. 610, §17 (AMD).]

[1991, c. 610, §17 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §17 (AMD). 1991, c. 824, §A62 (AMD).

§5034. PRESERVATION OF LAND FOR AFFORDABLE HOUSING

In regard to the acquisition and preservation of land under this subchapter, the state authority, municipalities and nonprofit housing corporations may use deed restrictions, trust agreements and any other type of agreement designed to maintain land for affordable housing. [1991, c. 610, §17 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §17 (AMD).

§5035. MAINE AFFORDABLE HOUSING LAND TRUST FUND

1. Creation of fund. There is created and established under the jurisdiction and control of the state authority the Maine Affordable Housing Land Trust Fund. As used in this section, the term "fund" means the Maine Affordable Housing Land Trust Fund.

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Sources of fund. There shall be paid into the fund:

- A. All money appropriated from the General Fund for inclusion in the fund; [1989, c. 601, Pt. B, §4 (NEW).]
- B. All proceeds from the issuance of bonds on behalf of the State for inclusion in the fund; [1989, c. 601, Pt. B, §4 (NEW).]
- C. All interest, dividends and pecuniary gains from investment of money of the fund; [1989, c. 601, Pt. B, §4 (NEW).]
- D. All proceeds from the sale of land purchased with money from the fund; and [1989, c. 601, Pt. B, §4 (NEW).]
- E. Any other money available to the state authority and directed by the state authority to be paid into the fund. [1989, c. 601, Pt. B, §4 (NEW).]

[1989, c. 601, Pt. B, §4 (NEW) .]

3. Application of fund. The state authority shall apply money in the fund to finance the acquisition of land or interests in land, including mortgageable predevelopment costs, in accordance with this chapter and chapter 201, subchapters III-A and XI, and to finance minor capital improvements on acquired lands.

[1991, c. 574, §5 (AMD) .]

4. Accounts within fund. The state authority may divide the fund into any separate accounts as it determines necessary to accomplish the purposes of this section.

[1989, c. 601, Pt. B, §4 (NEW) .]

5. Revolving fund. The fund shall be a revolving fund. All money in the fund shall be continuously applied by the state authority to carry out this section.

[1989, c. 601, Pt. B, §4 (NEW) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 574, §5 (AMD).

§5036. MUNICIPAL LAND ACQUISITION REVOLVING FUND

The Municipal Land Acquisition Revolving Fund is established as a nonlapsing revolving fund to provide low-interest loans to municipalities for the acquisition or development of land for affordable housing. The fund is administered by the state authority. The state authority shall deposit in this fund all payments of principal and interest on loans made from the fund. [1991, c. 610, §17 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §17 (AMD).

Subchapter 5: INTERAGENCY TASK FORCE ON HOMELESSNESS AND HOUSING OPPORTUNITIES

§5041. TASK FORCE CREATED

(REPEALED)

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §17 (AMD). 2005, c. 380, §A1 (RP).

§5042. MEMBERSHIP; APPOINTMENT; TERMS OF OFFICE; COMPENSATION

(REPEALED)

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1989, c. 700, §A128 (AMD). 1991, c. 610, §18 (AMD). 1991, c. 780, §DDD15 (AMD). 1993, c. 292, §1 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1997, c. 552, §1 (AMD). 2001, c. 354, §3 (AMD). 2005, c. 380, §A1 (RP).

§5043. CHAIR

(REPEALED)

SECTION HISTORY

1989, c. 601, §B4 (NEW). 2005, c. 380, §A1 (RP).

§5044. DUTIES**(REPEALED)**

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §19 (AMD). 1997, c. 552, §2 (AMD). 1997, c. 643, §§XX1-3 (AMD). 2001, c. 354, §3 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 380, §A1 (RP).

§5045. ADVISORY COMMITTEE ESTABLISHED**(REPEALED)**

SECTION HISTORY

RR 1991, c. 1, §42 (COR). 1991, c. 610, §20 (NEW).

Subchapter 5-A: STATEWIDE HOMELESS COUNCIL**§5046. STATEWIDE HOMELESS COUNCIL CREATED**

The Statewide Homeless Council, established in accordance with Title 5, chapter 379, shall serve as an advisory committee with respect to the administration and implementation of this chapter to the state authority, the Governor and the Legislature. [2005, c. 380, Pt. A, §2 (NEW).]

SECTION HISTORY

2005, c. 380, §A2 (NEW).

§5047. MEMBERSHIP; APPOINTMENT; TERMS OF OFFICE; CHAIR

1. Membership; chair. The council consists of 14 members appointed as follows:

A. Six members appointed by the Governor, 2 from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils; [2005, c. 380, Pt. A, §2 (NEW).]

B. The Director of the Maine State Housing Authority; [2005, c. 380, Pt. A, §2 (NEW).]

C. Three members appointed jointly by the President of the Senate and the Speaker of the House, one from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils; [2007, c. 600, §2 (AMD).]

D. One member representing the Office of the Governor, who serves as the chair; [2007, c. 600, §2 (AMD).]

E. The Commissioner of Health and Human Services or the commissioner's designee; [2015, c. 465, Pt. B, §1 (AMD).]

F. The Commissioner of Corrections or the commissioner's designee; and [2015, c. 465, Pt. B, §1 (AMD).]

G. The Director of the Bureau of Maine Veterans' Services or the director's designee. [2015, c. 465, Pt. B, §1 (NEW).]

[2015, c. 465, Pt. B, §1 (AMD) .]

2. Term of office. Members of the council appointed jointly by the President of the Senate and the Speaker of the House serve 3-year terms and serve at the pleasure of the President of the Senate and the Speaker of the House. Members of the council appointed by the Governor serve 2-year terms and serve at the pleasure of the Governor.

A. Members serve until their successors are appointed and qualified. [2005, c. 380, Pt. A, §2 (NEW).]

B. The appointing authorities shall fill a vacancy for the balance of an unexpired term in the same manner as the appointment was originally filled, except as otherwise provided. [2005, c. 380, Pt. A, §2 (NEW).]

[2013, c. 2, §38 (COR) .]

3. Staff. The state authority shall provide staff support to the council.

[2005, c. 380, Pt. A, §2 (NEW) .]

SECTION HISTORY

2005, c. 380, §A2 (NEW). 2007, c. 600, §2 (AMD). RR 2013, c. 2, §38 (COR). 2015, c. 465, Pt. B, §1 (AMD).

§5048. DUTIES

The council shall advise the state authority with respect to the implementation of this chapter and the development of affordable housing. The council shall: [2005, c. 380, Pt. A, §2 (NEW).]

1. Provide leadership. Provide leadership in efforts to end homelessness and provide support to the regional homeless councils by ensuring access to senior-level government officials and the Office of the Governor;

[2015, c. 2, §20 (COR) .]

2. Educate. Develop and coordinate an education campaign regarding homelessness;

[2005, c. 380, Pt. A, §2 (NEW) .]

3. Serve as coordinator of information. Serve as a coordinator of information and communication among state agencies and among the state, municipal and private sectors with respect to this chapter. In carrying out this duty, the council shall:

A. Review proposed legislative changes, system changes and resource recommendations from the regional homeless councils and compile the regional reports into a single statewide report; and [2005, c. 380, Pt. A, §2 (NEW).]

B. Serve as a liaison with the federal Interagency Council on Homeless and recommend any necessary changes; [2005, c. 380, Pt. A, §2 (NEW).]

[2005, c. 380, Pt. A, §2 (NEW) .]

4. Assess statewide needs. With assistance from regional homeless councils, develop estimates of statewide resource needs;

[2005, c. 380, Pt. A, §2 (NEW) .]

5. Identify potential resources. Identify new funding opportunities through private and public sources and assist in disseminating this information to regional homeless councils along with available grant opportunities;

[2005, c. 380, Pt. A, §2 (NEW) .]

6. Assistance to homeless. In cooperation with the state authority, identify the resources available to and ways to increase access to services to the homeless and persons with special needs, identify the gaps in delivery services to this population and make recommendations concerning the policies and programs serving this population;

[2007, c. 600, §3 (AMD) .]

7. Review, monitor and implement plans. On an annual basis, review and comment on plans submitted pursuant to Title 34-B, section 1221 and propose amendments and updates to and implement a plan to end homelessness;

[2015, c. 465, Pt. B, §2 (AMD) .]

8. Advise departments. Advise the Department of Corrections and the Department of Health and Human Services on issues related to homelessness and other issues related to the duties of the council; and

[2015, c. 465, Pt. B, §3 (AMD) .]

9. Develop strategic plan regarding homelessness among veterans. Develop strategies to enhance coordination and communication among agencies and organizations that provide services that seek to place veterans in permanent housing and that seek to improve access to services known to support housing stability for veterans who are experiencing homelessness or veterans who are at risk of homelessness. The council shall develop and periodically review a strategic plan that:

A. Establishes a baseline for homelessness in the State from which improvements can be measured. In determining the baseline, the council is not required to use the federal definition of homelessness and may include levels of housing instability or ranges of homelessness; [2015, c. 465, Pt. B, §4 (NEW) .]

B. Develops a method of measuring homelessness among veterans in the State to demonstrate whether efforts to reduce the number of homeless veterans in the State have been successful; [2015, c. 465, Pt. B, §4 (NEW) .]

C. Identifies specific processes for improving communication among agencies that provide services to veterans, including services unrelated to homelessness, that will facilitate identification of veterans in need of housing assistance or veterans who may be at risk of homelessness and maximize resources available to address homelessness among veterans; and [2015, c. 465, Pt. B, §4 (NEW) .]

D. Develops a framework and timeline for determining progress of communication and coordination efforts targeting homelessness among veterans and the effectiveness of those efforts in reducing homelessness among veterans. [2015, c. 465, Pt. B, §4 (NEW) .]

The Director of the Bureau of Maine Veterans' Services shall periodically report to the council regarding the progress of implementing the strategies described in this subsection. Beginning February 1, 2018, the director shall report annually to the joint standing committee of the Legislature having jurisdiction over veterans affairs on the implementation of the strategic plan. The report must include, but is not limited to, the effect of the strategic plan on homelessness among veterans based on the measurements required to be established by this subsection.

[2015, c. 465, Pt. B, §4 (NEW) .]

SECTION HISTORY

2005, c. 380, §A2 (NEW). 2007, c. 600, §§3-5 (AMD). RR 2015, c. 2, §20 (COR). 2015, c. 465, Pt. B, §§2-4 (AMD).

Subchapter 6: HOUSING OPPORTUNITY ZONES

§5051. ADMINISTRATION AND IMPLEMENTATION

The state authority, in consultation with the council, shall administer this subchapter to address residential deteriorating areas and to restore these areas to decent, sanitary and safe residential neighborhoods. [2005, c. 380, Pt. B, §8 (AMD).]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §21 (AMD). 2005, c. 380, §B8 (AMD).

§5052. DESIGNATION OF URBAN HOUSING ZONES

The state authority, in consultation with the council, may establish 4 demonstration housing opportunity zones, each comprised of a different municipality or portion of a municipality. These demonstration zones serve as a means of determining the effectiveness of zones as a tool stimulating residential revitalization in deteriorating neighborhoods. [2005, c. 380, Pt. B, §9 (AMD).]

1. Standards for zones. The state authority, by rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall establish standards for the selection of areas to be designated as zones and the provision of assistance to those zones. At a minimum, the state authority shall apply the following standards.

A. The zones must be located in urban areas experiencing significant deterioration in residential neighborhoods. [1989, c. 601, Pt. B, §4 (NEW).]

B. All areas wishing to be designated as zones must demonstrate actual or potential local capacity for residential revitalization and the willingness to cooperate with the state authority. [1991, c. 610, §21 (AMD).]

C. The level of general assistance by the State and the municipality, as well as the level of federal assistance to persons in these areas, must be considered. [1991, c. 610, §21 (AMD).]

D. All municipalities requesting zone designation for areas within the municipality must have a local housing alliance which shall help develop a plan of action to revitalize deteriorating residential dwellings and neighborhoods. The plan must address the major problems of these deteriorating areas, including a law enforcement component to significantly reduce crime in these areas. [1991, c. 610, §21 (AMD).]

In applying these standards, the state authority shall also consider the problem of crime in these areas.

[1991, c. 610, §21 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §21 (AMD). 2005, c. 380, §B9 (AMD).

§5053. POWERS

The state authority, in consultation with the council, may: [2005, c. 380, Pt. B, §10 (AMD).]

1. Approve or deny applications. Approve or deny applications for assistance;

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Alter or amend comprehensive plans. Alter or amend any comprehensive plan to be applied to revitalization of housing opportunity zones; or

[1991, c. 610, §21 (AMD) .]

3. Withhold or refuse payment of money. Withhold or refuse payment of money for any activity not authorized by the plan, the state authority or the municipality.

[1991, c. 610, §21 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §21 (AMD). 2005, c. 380, §B10 (AMD).

§5054. DUTIES OF STATE AUTHORITY

In implementing this subchapter, the state authority shall: [1991, c. 610, §22 (AMD) .]

1. Work with council. Work with the council and the Commissioner of Public Safety to coordinate the resources of state agencies to be applied to the zones, including, but not limited to:

A. Job training programs; [1989, c. 601, Pt. B, §4 (NEW) .]

B. Educational and vocational training; [1989, c. 601, Pt. B, §4 (NEW) .]

C. Child care assistance; and [1989, c. 601, Pt. B, §4 (NEW) .]

D. Crime prevention programs; [1989, c. 601, Pt. B, §4 (NEW) .]

[2005, c. 380, Pt. B, §11 (AMD) .]

2. Coordinate with municipality. Coordinate the resources of the state authority with the resources of the municipality to address residential housing deterioration;

[1991, c. 610, §23 (AMD) .]

3. Prepare information and notify municipalities. Prepare information about the program, including applications for designations as zones, and notify municipalities;

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Provide technical assistance. Provide technical assistance to municipalities in developing plans to address residential and neighborhood deterioration. Technical assistance provided under this subsection includes technical assistance provided by state agencies represented on the interagency task force;

[1991, c. 610, §23 (AMD) .]

5. Analyze problems and causes of problems that create residential blight. In implementing this subsection, the council and the state authority shall monitor the 4 demonstration zones and develop findings and recommendations concerning neighborhood deterioration and revitalization; and

[2005, c. 380, Pt. B, §12 (AMD) .]

6. Establish priorities for direct financial assistance. Establish priorities for direct financial assistance which may include, but are not limited to:

A. Financial assistance to owner-occupied rental and single-family homes for the restoration of dwelling units; [1989, c. 601, Pt. B, §4 (NEW) .]

B. Financial assistance to shelters for the homeless; [1989, c. 601, Pt. B, §4 (NEW).]

C. Financial assistance for the removal of structures beyond rehabilitation; and [1989, c. 601, Pt. B, §4 (NEW).]

D. Financial assistance for the creation of recreational and park areas. [1989, c. 601, Pt. B, §4 (NEW).]

[1989, c. 601, Pt. B, §4 (NEW) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). RR 1991, c. 2, §115 (COR). 1991, c. 610, §§22,23 (AMD). 2005, c. 380, §§B11,12 (AMD).

§5055. MODELS FOR URBAN HOUSING REVITALIZATION; EVALUATION

The state authority and the council shall develop models for the revitalization of deteriorating residential areas in urban areas based on the results of the study and monitoring of the demonstration zones as provided in section 5052. The state authority and the council shall review and evaluate the plans and programs applied to the demonstration zones and report their preliminary findings and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over housing matters by December 30, 1992 and December 30, 1993, with a final report to be submitted by December 30, 1994. This final report must include: [2005, c. 380, Pt. B, §13 (AMD).]

1. Strategy. The strategy applied in each zone to revitalize housing and neighborhoods;

[1989, c. 601, Pt. B, §4 (NEW) .]

2. Number of buildings and units. The number of buildings and units of affordable housing developed or rehabilitated in each zone;

[1991, c. 871, §6 (AMD) .]

3. Causes of blight and deterioration. The major causes of urban blight and deterioration in each zone and the programs applied to these causes; and

[1989, c. 601, Pt. B, §4 (NEW) .]

4. Effectiveness of assistance and programs. The effectiveness of the assistance and programs provided in each zone, including, but not limited to, job training and educational programs and law enforcement and crime prevention programs.

[1991, c. 871, §6 (AMD) .]

SECTION HISTORY

1989, c. 601, §B4 (NEW). 1991, c. 610, §24 (AMD). 1991, c. 871, §6 (AMD). 2005, c. 380, §B13 (AMD).

§5056. INTEGRATED HOUSING

In revitalizing urban housing zones, state agencies, municipalities and nonprofit housing corporations shall strive to establish integrated neighborhoods comprised of households of different income levels.

[1989, c. 601, Pt. B, §4 (NEW).]

SECTION HISTORY

1989, c. 601, §B4 (NEW).

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